

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PHILLIPS 66 CO.,

Plaintiff,

v.

No. 13-cv-0312 SMV/GBW

RITCHIE DISTRIB. CO., et al.,


Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. On April 2, 2013, Plaintiff filed its Complaint [Doc. 1]. On April 5, 2013, all Defendants were served with summonses. *See generally* [Docs. 7, 8, and 9]. Defendants had 21 days to file their answer(s) to the Complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). To date, the record reflects no answer on behalf of the Defendants, nor does it reflect any activity on part of Plaintiff to proceed with its claims against Defendant. Pursuant to D.N.M.LR-Civ. 41.1, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” Plaintiff has failed to develop its case against Defendants for over 90 days.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff show cause no later than **September 12, 2013**, why its claims against Defendant should not be dismissed without prejudice for failure to prosecute under D.N.M.LR-Civ. 41.1.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge